

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO LOPEZ-ROBLES,

Defendant.

Criminal Case No. 08MJ1947-POR

**FINDINGS OF FACT AND ORDER OF
DETENTION**

In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 *et seq.*), this Court conducted a detention hearing on June 26, 2008, to determine whether Armando Lopez-Robles (hereinafter "Defendant") should be held in custody pending trial, on the grounds that he is a flight risk. Assistant U.S. Attorney Fred Sheppard appeared on behalf of the United States. Attorney Devin Burstein appeared on behalf of Defendant.

Based on the evidence proffered by the United States and by Defendants, the Pretrial Services Report, and the Complaint, the Court concludes that the following facts establish by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of Defendant as required.

I.

FINDINGS OF FACT

A. Nature and Circumstances of the Offenses Charged (18 U.S.C. § 3142(g)(1))

1. Defendant is charged in Criminal Complaint No. 08MJ1947-POR; namely, transportation of aliens, in violation of 18 U.S.C. § 1324(a)(1)(A)(ii).

2. If convicted of this charge, Defendant faces a maximum sentence of five years in prison pursuant to 18 U.S.C. § 1324(a)(1)(B)(ii).

B. Weight of the Evidence Against Defendants (18 U.S.C. § 3142(g)(2))

1. On June 24, 2008, Defendant was the driver of a Ford F-250 pickup truck, that was transporting approximately 20 illegal aliens, near Jacumba, California.

2. When border patrol agents attempted to curb Defendant's vehicle, he accelerated away from such agents, and eventually drove over two controlled tire deflations devices (ctdd), and continued to flee from border patrol agents.

3. Border patrol agents drew their weapons on Defendant as he was driving in order that he would not strike them with his vehicle.

4. Defendant drove on the wrong side of the vehicle as he continued to flee from border patrol agents and refused to stop his vehicle until after the vehicle struck a building and Defendant fled on foot. Defendant was apprehended after a brief foot chase.

C. History and Characteristics of Defendants (18 U.S.C. § 3142(g)(3))

1. Defendant is a citizen and resident of the Republic of Mexico.

2. Defendant has no identifiable family ties to the Southern District of California. Rather, Defendant's spouse and children reside in Mexico.

3. Defendant is not employed in the Southern District of California, and does not have any identifiable financial resources that would anchor him to this community.

4. Defendant does not have any other ties to the Southern District of California that would anchor him to this community.

II.

REASONS FOR DETENTION

A. There is probable cause to believe that Defendant committed the offense charged in Criminal Complaint No. 08MJ1947-POR; namely, transportation of aliens, in violation of 18 U.S.C. § 1324(a)(1)(A)(ii).

B. Defendant will be motivated to flee to Mexico based on the maximum term of imprisonment for these offenses.

C. Defendant does not have ties to the United States, in general, or the Southern District of California, in particular, that would anchor him to this community.

D. Defendant's desire to retain his border crossing card and associated rights is not enough to secure his appearance as required.

E. The Court finds, by a preponderance of evidence, that the Government has carried the burden of establishing that no condition or combination of conditions will reasonably assure the appearance of Defendant as required.

III.

ORDER

IT IS HEREBY ORDERED that Defendant Armando Lopez-Robles be detained pending trial in this matter.


IT IS FURTHER ORDERED that Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel.

While in custody, upon order of a court of the United States or upon the request of an attorney for the United States, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding or any other appearance stipulated to by defense and government counsel.

IT IS SO ORDERED.

DATED:

7/3/08


THE HONORABLE LOUISA S. PORTER

THE HONORABLE LOUISA S. PORTER
United States Magistrate Judge

Prepared by:

Fred Sheppard
Assistant U.S. Attorney

cc: Devin Burstein, Esq.